

Appl. No. 10/722,157
Amtd. Dated November 14, 2006
Reply to Office Action of August 22, 2006

Attorney Docket No. 81863.0024
Customer No.: 26021

RECEIVED
CENTRAL FAX CENTER
NOV 14 2006

REMARKS:

Claims 6 and 12 are canceled without prejudice. Claims 7-10, 13, and 31 are amended. Claims 7-11, 13, and 31 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 6-11 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kimura (U.S. Patent No. 5,504,388). This rejection is moot with respect to claim 6 due to the cancellation of this claim. The Applicant respectfully traverses this rejection as to amended claims 7-11 and 31.

Claims 7-11 and 31 now depend from amended claim 13, which was rewritten in independent form. The Office states that claim 13 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Since claims 7-11 and 31 now depend from claim 13, they are allowable for at least the same reasons as claim 13. Withdrawal of this rejection and allowance of claims 7-11 and 31 is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura (U.S. Patent No. 5,504,388). This rejection is moot with respect to claim 12 due to the cancellation of this claim. The Applicant respectfully traverses this rejection as to amended claim 10.

Claim 10 now depends from amended claim 13, which was rewritten in independent form. The Office states that claim 13 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Since claim 10 now depends from claim 13, it is allowable for

Appl. No. 10/722,157
Amdt. Dated November 14, 2006
Reply to Office Action of August 22, 2006

Attorney Docket No. 81863.0024
Customer No.: 26021

at least the same reasons as claim 13. Withdrawal of this rejection and allowance of claim 10 is thus respectfully requested.

ALLOWABLE SUBJECT MATTER:

The Office objected to claim 10 as being dependent upon a rejected base claim, but states that these claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In response, Applicant rewrote claim 13 in the manner suggested by the Office. Withdrawal of this objection and allowance of claim 13 is thus respectfully requested.

Applicant believes the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b). Alternatively, if these amendments are deemed to touch the merits, admission is requested under 37 C.F.R. § 1.116(c). In this connection, these amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action.

Lastly, admission is requested under 37 C.F.R. § 1.116(b) as presenting rejected claims in better form for consideration on appeal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

Appl. No. 10/722,157
Amdt. Dated November 14, 2006
Reply to Office Action of August 22, 2006

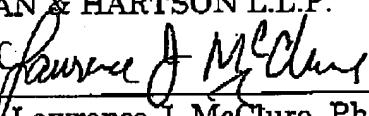
Attorney Docket No. 81863.0024
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:


Lawrence J. McClure, Ph.D.
Registration No. 44,228
Attorney for Applicant(s)

Date: November 14, 2006

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601